

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JULIETTE KARGER,)	CASE NO. 5: 08 CV 1713
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	
MICHAEL J. ASTRUE,)	MEMORANDUM OPINION
COMMISSIONER OF SOCIAL SECURITY,)	AND ORDER
)	
Defendant.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Benita Y. Pearson, issued on July 31, 2009. (ECF # 16.) In the Report and Recommendation, Magistrate Judge Pearson recommended that the decision of the Administrative Law Judge (ALJ), which represents Defendant's final determination denying Plaintiff's claim for supplemental security income (SSI) be reversed and remanded. On August 12, 2009, Defendant filed Objections to the Report and Recommendation. (ECF # 17.) Plaintiff filed a Response to Defendant's Objections on August 13, 2009. (ECF # 18.)

In accordance with Federal Rule of Civil Procedure 72, this Court has reviewed the Report and Recommendation of this case *de novo* and has considered all of the pleadings and filings of the parties. Further, this Court has reviewed the ALJ's findings in Plaintiff's administrative proceedings under the substantial evidence standard. After careful evaluation of the record, this Court declines to adopt the Report and Recommendation. (ECF # 16.)

In particular, this Court finds merit in Defendant's position that, although the ALJ did not expressly mention the opinions of Dr. Watts or Dr. Menken, the ALJ reasonably relied on five contrary opinions, in addition to Plaintiff's activities, in finding Plaintiff not disabled. Because the Court finds that the ALJ's determination is supported by substantial evidence,

Defendant's Objections to the Report and Recommendation are SUSTAINED (ECF # 17) and the decision of the ALJ is AFFIRMED. This case is TERMINATED.

IT IS SO ORDERED.

s/ Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATE: August 28, 2009